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State Water Resources Control Board

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Gray Davis
Governor

NOTICE OF PUBLIC WORKSHOP

Attachment 1

Regarding Review Of Waivers For Silvicultural Activities

Wednesday, July 17, 2002 at 10:00 a.m.
Coastal Hearing Room -- Second Floor of
Joe Serna, Jr./Cal/EPA Building
1001 I Street, Sacramento, CA

SUBJECT OF WORKSHOP

The State Water Resources Control Board (SWRCB) and the chairs of the Regional Water Quality Control Boards (RWQCBs) will hold a public workshop at the date and location shown above to receive comments from the RWQCBs' staff, other governmental agencies, and interested parties regarding implementation of the provisions of Senate Bill (SB) 390 (1999) as they pertain to discharges of waste from silvicultural activities, also known as timber operations.

BACKGROUND

RWQCBs generally directly regulate waste discharges to the State's waters through the issuance of waste discharge requirements. Pursuant to section 13269 of the California Water Code, many years ago most RWQCBs adopted policies waiving direct regulation of several categories of waste discharges, including those from silvicultural activities. Pursuant to the Federal Clean Water Act, the SWRCB and RWQCBs have, for at least the last decade, utilized a management agency approach to control waste discharges from silvicultural activities. Rather than direct regulation, the RWQCBs have generally participated in and relied upon the land use control programs of the California Department of Forestry and Fire Protection (CDF) and the U.S. Department of Agriculture, Forest Service, (USDAFS) to control waste discharges related to silvicultural activities.

SB 390 amended section 13269 of the California Water Code to provide for the expiration of existing waivers for all categories of discharges on January 1, 2003.¹ These amendments provide that:

- Waivers in effect on January 1, 2000, remain in effect until January 1, 2003, unless a RWQCB terminates the waiver prior to that date.

¹ SB 390 is available on the Internet at: http://info.sen.ca.gov/pub/99-00/bill/sen/sb_0351-0400/sb_390_bill_19991010_chaptered.html

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- A RWQCB may renew for a five-year period any waivers that were valid on January 1, 2000, and have not been terminated prior to January 1, 2003. (Failure to renew waivers will automatically result in their termination.)
- Prior to renewal of any waiver for a specific type of discharge, a RWQCB must review the terms of the waiver policy at a public hearing and shall determine whether the discharge for which the waiver policy was established should be subject to general or individual WDRs.
- The SWRCB and the RWQCBs must require compliance with the conditions on which waivers are granted.

The SWRCB and RWQCBs are conducting a review of existing waivers for waste discharges from silvicultural activities. This review may result in developing a model waiver for adoption by the RWQCBs or other approaches to comply with applicable legal requirements. At the workshop, the Executive Officers of affected RWQCBs are invited to discuss the status of their efforts to address waivers for waste discharges from silvicultural activities and the issues encountered in this process. CDF and USDAFS are invited to present information on the status of their water quality management programs and possible program improvements. SWRCB staff will report on the results of current efforts to improve water quality protection provided by the CDF and USFS control processes for silvicultural activities. Following presentations by the staffs of the RWQCBs, CDF, USFS, and SWRCB, other parties are invited to comment, particularly on the following subjects:

- What approaches are available to the SWRCB and RWQCBs to comply with the requirements of SB 390 as they apply to silvicultural activities?
- What information is needed for developing and implementing recommended approaches?
- How should the SWRCB and RWQCBs comply with provisions of the California Environmental Quality Act for each suggested approach?
- If waivers for discharges from silvicultural activities are adopted, what conditions should be included in the waivers?
- Should the same set of conditions be applied to: (i) different types of silvicultural activities (e.g., timber harvesting, road and landing construction, site preparation, vegetation management, harvesting incidental to restoration projects); (ii) different types of ownerships/management (e.g., federal, state, private industrial, and private non-industrial); or (iii) different types of legally-defined projects (e.g., timber harvesting plans, non-industrial timberland management plans, CDF exemptions and emergencies, and USDAFS timber sales agreements)?
- If waivers for silvicultural activities are conditioned upon compliance with the CDF and USDAFS control processes, what changes, if any, should be made in those processes to ensure appropriate protection of water quality?

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LOCATION AND ACCESSIBILITY

The attached map shows the workshop location and nearby parking facilities. The Joe Serna, Jr./Cal/EPA Building is accessible to people with disabilities. Persons requiring special accommodations should contact Adrian Perez at (916) 341-5880 at least five working days prior to the workshop. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

SUBMISSION OF COMMENTS AND OTHER INFORMATION

Early submission of written comments is encouraged. Written comments received by 5:00 p.m., July 17, 2002, will be accepted for consideration. Oral presentations at the workshop should summarize written comments. Time limitations may be imposed on oral testimony. Parties with similar views are encouraged to make joint presentations. An overhead projector and Microsoft PowerPoint projector will be available. Written comments may be submitted by mail, fax or e-mail to:

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E-mail: leeg@dwq.swrcb.ca.gov

IF YOU HAVE ANY QUESTIONS

Questions regarding the workshop should be directed to Gaylon Lee.

Maureen Marché
Clerk to the Board

Dated:

Attachment

Note: Audio broadcast of this meeting is available at: <http://www.calepa.ca.gov/Broadcast/>

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